IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.980 of 2005

Between:

Vyavasaya Uddharana Mandal Limited, A company Registered under the Companies Act having its Regd. Office at Salem, Tamilnadu, Kaigallu village, Baireddipalle Mandal, Chittoor District, rep. by its Managing Director A.K. Lokanathan.

..... PETITIONER

AND

The Revenue Divisional Officer/Sub-Collelctor,

Madanapalle, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent in reopening the decision for the lands covered by Order in H.8454-89, dated 29.02.1992 (Annexure B) through in ROC No.C3/1529/2004, dated 28.09.2004 in so far as it related to conducting of an enquiry as illegal, amounts to reviewing its own order and contrary to the decision of this Hon'ble Court in W.P.No.5210 of 1992 and consequently direct the respondent herein to confine the enquiry for the lands covered by Sy.Nos.1, 9/5, 20, 31, 49, 52, 55 and 85 of Kaigallu Village.

Counsel for the Petitioner: MR.S.V.BHATT

Counsel for the Respondent: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondent-Revenue Divisional Officer/Sub-Collector in issuing the impugned notice in ROC.No.C3/1529/2004, dated 28.09.2004 by reopening the decision for the lands covered by Order in H.8454-89, dated 29.02.1992, as illegal and contrary to the decision of this Court in W.P.No.5210 of 1992 and consequently to direct the respondent to confine the enquiry for the lands covered by Survey Nos.1, 9/5, 20, 31, 49, 52, 55 and 85 of Kaigallu Village, Baireddypalle Mandal, Chittoor District.

The main grievance of the petitioner in this writ petition is that in earlier round of litigation when he challenged the orders passed by the respondent-Revenue Divisional Officer dated 29.02.1992 and 21.04.1992 by filing Writ Petitions in W.P.Nos.5210 and 9717 of 1992, this Court has allowed the said writ petitions and remitted back the matter to the respondent-Revenue Divisional Officer for fresh disposal in accordance with law after giving notice and opportunity to both sides. It is stated that pursuant to the said orders, the present impugned notice under Section 3 of the Andhra Inams (Abolition and Conversion into Ryotwari) Act 1956 was issued to the petitioner, for which, he has submitted his objections before the respondent by raising some preliminary objections about the jurisdiction of the settled issues, but the respondent without considering the same is proceeding further in pursuance of the impugned notice.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed to dispose of the writ petition itself at the stage of admission with a direction to the respondent-Revenue Divisional Officer/Sub-Collector to consider the preliminary objections raised by the petitioner in the light of the earlier orders passed by this Court and pass appropriate orders.

In the circumstances, I deem it appropriate to dispose of the writ petition directing the respondent-Revenue Divisional Officer/Sub-Collector to consider the preliminary objections raised by the petitioner to the impugned notice dated 28.09.2004 in the light of the orders passed by this Court in W.P.Nos.5210 and 9717 of 1992, dated 29.03.2004 and pass appropriate orders thereon in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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N.V. RAMANA, J.

Date: 28.01.2005

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer/Sub-Collelctor,

Madanapalle, Chittoor District.

2. Two CCS to GP for Revenue, High Court of AP, Hyderabad (OUT)

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